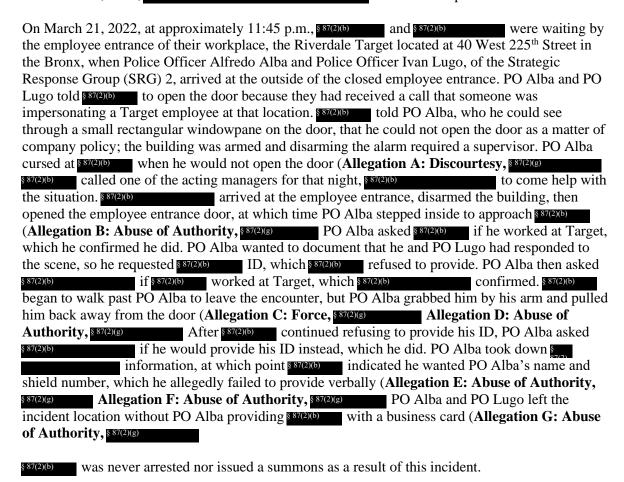
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force	V	Discourt	. 🗆	U.S.
Dillon Bezehertny		Squad #12	202201877	v	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:	•		18 N	Mo. S	OL		Precinct:
Monday, 03/21/2022 11:45 PM		Inside Target (located a Street)	at 40 West 225th		9/2	21/202	23		52
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Tim	ne Rec	eived at CC	CRB	
Thu, 03/24/2022 3:27 PM		CCRB	On-line website		Thu, 03/2	24/202	2 3:27 PM	1	
Complainant/Victim	Type	Home Addre	ess						
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. PO Alfredo Alba	00145	933598	SRG 2						
Witness Officer(s)	Shield N	lo Tax No	Cmd Name						
1. PO Ivan Lugo	28665	944111	SRG 2						
Officer(s)	Allegati	on			Inv	estiga	ator Reco	mm	endation
A.PO Alfredo Alba		esy: Police Officer Alfreeously to \$87(2)(b)	edo Alba spoke						
B.PO Alfredo Alba	Abuse: Police Officer Alfredo Alba entered the employee entrance of Target at 40 West 225th Street, Bronx, NY, 10463.								
C.PO Alfredo Alba	Force: Police Officer Alfredo Alba used physical force against \$\frac{8.87(2)(b)}{2}\$								
D.PO Alfredo Alba	Abuse: Police Officer Alfredo Alba stopped § 87(2)(b)								
E.PO Alfredo Alba	Abuse: Police Officer Alfredo Alba refused to provide his name to § 87(2)(b)								
F.PO Alfredo Alba		Police Officer Alfredo A nmber to ^{§ 87(2)(b)}	lba refused to provid	le h	is				
G.PO Alfredo Alba	Abuse: Police Officer Alfredo Alba failed to provide with a business card.								



On April 8, 2022, the NYPD Legal Bureau provided CCRB with body-worn camera footage from Police Officer Alfredo Alba and Police Officer Ivan Lugo.

On April 11, 2022, CCRB received security footage from Target's Asset Protection Department depicting the exterior of the employee entrance door.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Alfredo Alba spoke discourteously to 887(2)(b)

Target's security footage (**Board Review 01**) takes place on March 21, 2022, starts at 23:44:47 and ends at 23:54:50, lasts 10 minutes and 3 seconds, is in color, and has timestamps that appear to be accurate, though there is no audio. The video begins at 11:44 p.m. and depicts a marked NYPD SUV pull up and park along West 225th Street near the Riverdale Target's employee entrance. At durational timestamp 00:32, PO Alba and PO Lugo walk up to the employee entrance door. First PO Lugo knocks on the door and appears to speak to someone on its other side. Shortly thereafter, PO Alba appears to speak with someone through the door as well. The officers wait outside the door until it opens at durational timestamp 03:03.

At 11:45 p.m. on March 21, 2022, \$87(2)(b) (Board Review 02) was waiting with \$87(2)(b) by

the employee entrance waiting to go home for the night because the store was closed to the public and, as a matter of company policy, the building was armed with an alarm system that can only be deactivated by a supervisor. went over the Target radio system to request one of the managers for that night's shift, sycolo come disarm the building so he and could leave. While sycolo was on his way to the employee entrance, PO Alba and PO Lugo arrived outside the employee entrance asking sycolo to open the door. PO Alba told he had gotten a 911 call about a person impersonating a Target employee and he needed to make sure everything was okay. Sycolo told PO Alba there was nobody in the office to let him in through the buzzer system, at which point PO Alba told sycolo "Open the fucking door, I'm not here to play games." Sycolo told PO Alba that he could not open the door because the building was armed, to which PO Alba responded, "Open the fucking door right now. I'm not here to waste any time, I'm here for a reason."

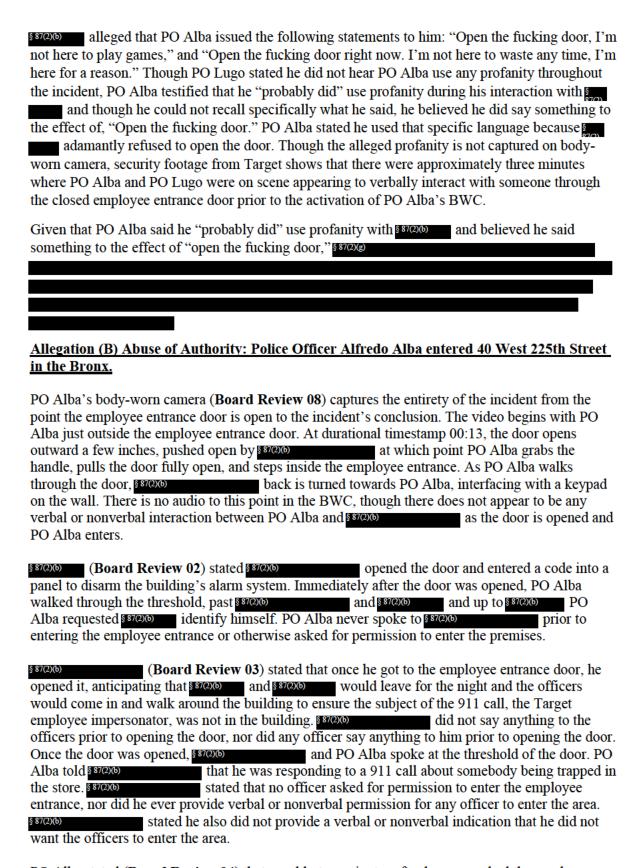
(Board Review 03) was working as one of two team leads for the night shift.

S87(2)(b) called for him to come by the employee entrance and disarm the building so that could leave for the night. While on his way to the employee entrance door, received a call on his personal phone from S87(2)(b) who told him that two police officers had arrived at the employee entrance door and were telling him to open it. rushed to the employee entrance, arriving to see the interaction between standing directly next to the door and facing outside, and PO Alba, immediately on the other side of the closed door, was "already heated." \$87(2)(b) stated that there was profanity used by both \$87(2)(b) and PO Alba. \$87(2)(b) could not recall the specific statements PO Alba made but knew they involved the words "fuck" and "shit" in conversation with \$87(2)(b) When asked if the profanity used by PO Alba was directed at \$87(2)(b) or was more conversational in nature, \$87(2)(b) stated that it was a little of both.

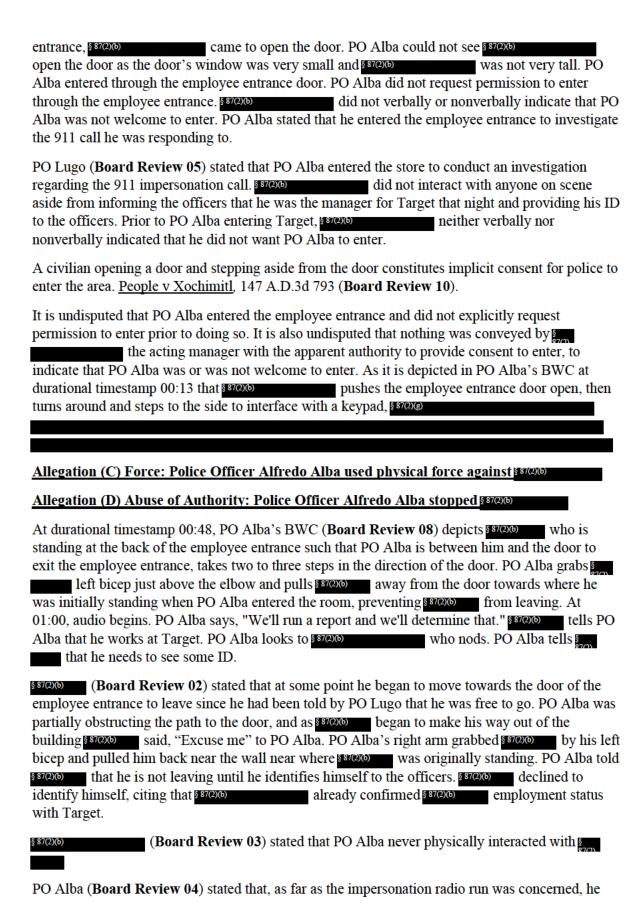
PO Alba (Board Review 04) and PO Lugo responded to a 911 call that came over the radio for an individual with the description "male, Black" impersonating a Target employee at the Riverdale Target in the Bronx. Upon responding to the incident location, PO Alba and PO Lugo saw that there were gates blocking entrances to the parking areas and another gate blocking the front doorway into the store, so PO Lugo turned around and drove to the employee entrance "where employees go in and out." PO Alba approached the employee entrance door, which had a small square window, and saw §87(2)(b) and §87(2)(b) standing on the other side of the closed door. Through the closed door, PO Alba told 837(2)(6) that he and PO Lugo were responding to a 911 call regarding an individual impersonating a Target employee, then asked \$87(2)(b) to open the door. \$87(2)(b) had "attitude immediately" and told PO Alba that he could not open the door, which PO Alba took to mean opening the employee entrance door was against Target's store policies. PO Alba believed that \$87(2)(b) speaking through the door, told the officers that he worked at Target. PO Alba stated that he "probably did" use profanity during the interaction, though he could not recall what specific profanity he may have used. PO Alba believed he "did say "Open the fucking door." PO Alba could not remember if he said, "Open the fucking door right now, I have a job to do." PO Alba used the word "fucking" because \$87(2)(b) refused to open the door.

Police Officer Ivan Lugo (**Board Review 05**) stated that he never heard PO Alba use any profanity during the incident.

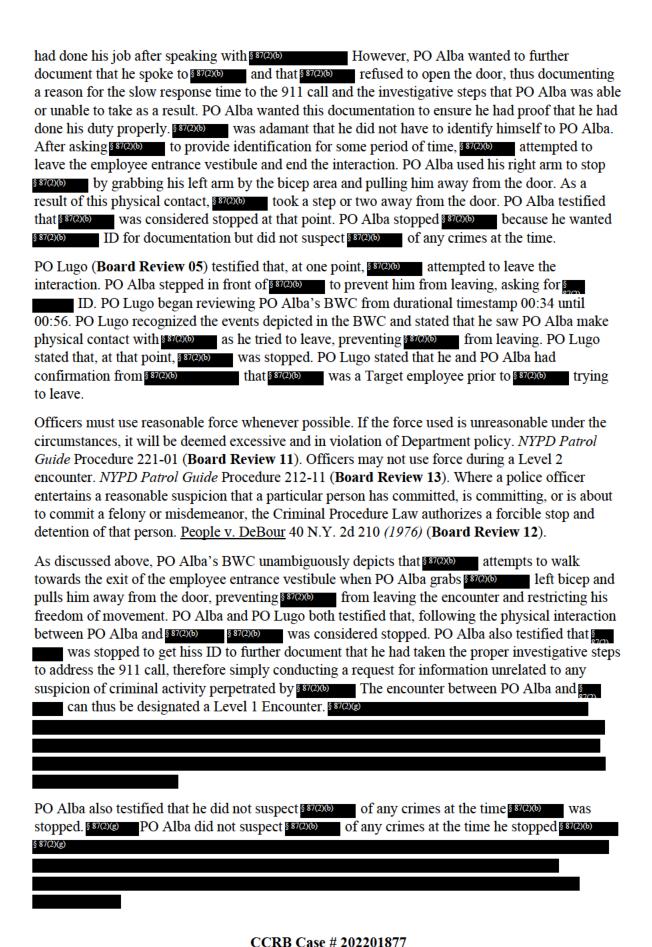
Officers should treat every citizen with courtesy, respect, and civility as per NYPD Patrol Guide Procedure 200-02 (**Board Review 06**). In an NYPD department trial, the court held that, although an officer may have good intentions, the use of discourteous language with the public is unprofessional. *Disciplinary Case No. 2018-18951* (**Board Review 07**).



PO Alba stated (**Board Review 04**) that roughly two minutes after he approached the employee



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Allegation (E) Abuse of Authority: Police Officer Alfredo Alba refused to provide his name to § 87(2)(b) Allegation (F) Abuse of Authority: Police Officer Alfredo Alba refused to provide his shield number to § 87(2)(b) At durational timestamp 03:05 (Board Review 08), PO Alba says, "145," which is his badge number. [887(2)(b) is within two to three feet of PO Alba at this time but is speaking on the phone with a supervisor of Target. At 03:15, PO Alba says, "145, 145." ss7(2)(6) is still within two to three feet of PO Alba at this time. § \$7(2)(b) is heard saying "Alba" at this time. (Board Review 02) requested the officers' names and shield numbers, at which point PO Alba pointed to his shield and said, "There is my name and badge number," allegedly never verbally providing either piece of information to \$87(2)(b) PO Lugo verbally provided \$87(2)(b) with his name and shield number. (**Board Review 03**) stated that, at some point, \$87(2)(6) told PO Alba he was going to file a complaint, at which time PO Alba provided \$57(2)(6) with his badge number and precinct. PO Lugo (**Board Review 05**), standing roughly 4-5 feet from \$\frac{87(2)(b)}{2}\$ heard \$\frac{87(2)(b)}{2}\$ request PO Alba's name and shield. PO Lugo noted that PO Alba stated "Alba, 145" to verbally provide his name and shield to §87(2)(b) It is clear from PO Alba's BWC that PO Alba verbally provided his name and shield multiple times to § 87(2)(b) from within close proximity. § 87(2)(g) Allegation (H) Abuse of Authority: Police Officer Alfredo Alba failed to provide (\$37(2)6) with a business card. PO Alba's BWC (Board Review 08), which captures the entirety of the incident from the point the employee entrance door is opened to the incident's conclusion, does not capture PO Alba providing (Board Review 02) stated that he did not receive a business card from PO Alba or PO Lugo during the incident. PO Alba told § 87(2)(b) (Board Review 02) that he could not leave until he identified himself to the officers. \$87(2)(b) declined to identify himself, citing that \$87(2)(b) already confirmed employment status with Target. PO Alba told §87(2)(6) "Oh, you're still not going to identify yourself? Then you're not going to leave." \$87(2)(6) stated that he never received a business card from PO Alba. (**Board Review 03**) never received a business card from PO Alba or PO Lugo. PO Alba (Board Review 04) did not provide a business card to anyone on scene. PO Alba stated that he did not believe he was obligated to provide a business card to anyone on scene because none of the civilians were stopped and he was not speaking to \$87(2)(5) based on his own suspicion of criminality. § 87(2)(6) attempted to leave the employee entrance vestibule and end the interaction.

PO Alba used his right arm to stop street by grabbing his left arm by the bicep area and pulling him away from the door. As a result of this physical contact, street took a step or two away from the door. PO Alba amended his earlier testimony that none of the civilians were stopped,

testifying that § 87(2)(b) was considered stopped at that point.

always carries the did not ask 00:34 until 00:56 tried to leave, prestopped. Officers are to o	nem. Neither PO Lugo nor a for one. PO Lugo began references. PO Lugo stated that he seventing serons from lefter a business card to a civilerwise not feel free to end	a cards on his person on the incident PO Alba offered a busing reviewing PO Alba's BWC from duraw PO Alba make physical contact raving. PO Lugo stated that, at that wilian when a civilian is stopped or all the encounter. Administrative Guid	ess card since rational timestamp twith \$87(2)(0) as he point, \$87(2)(0) was
It is undisputed	that PO Alba stopped §87000	and that \$87(2)(b) was never	given a business card,
§ 87(2)(g)			§ 87(2)
 Police Office has been a store of CCRB Command S87(2)(6) As of July 1 	er Alfredo Alba has been a subject in 4 CCRB complair. Case 200615469 involved a harmonic and Discipline A. STOPE Mediation, declined to mediate this complair in filed by STOPE The Board recommended in the subject in the Board recommended in th	has been a party (In member of service for 18 years (Hents and 9 allegations, of which one a substantiated allegation of retaliand Command Discipline A and the New York, and Criminal Histories omplaint. If the Comptroller confirmed that the right of the incident (Board Review)	Board Review 16) and was substantiated. tory summons against NYPD imposed
Squad: 11			
Investigator: _	Dillon Bezehertny Signature	Investigator Bezehertny Print Title & Name	05/10/2023 Date
Squad Leader: _	Edwin Pena Signature	IM Edwin Pena Print Title & Name	07/20/22 Date
Reviewer: _	Signature	Print Title & Name	Date